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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,389	12/16/2003	En-Yi Liao	10033.000400	5362
31894 7590 03/30/2007 OKAMOTO & BENEDICTO, LLP P.O. BOX 641330 SAN JOSE, CA 95164			EXAMINER SERRAO, RANODHI N	
			ART UNIT 2141	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/30/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/737,389

Applicant(s)

LIAO, EN-YI

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-15 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 29 January 2007 have been fully considered but they are not persuasive.
2. The applicant argued that *the combination of Templin and Schneider does not teach or suggest redirection of files involved in a peer-to-peer data transfer*. Since the gateway 300 receives **all** data being transferred between networks 110 and 120 because of its centralized gate keeping location. This is also evident in Templin, col. 3, lines 21-31, which describes that the destination address of packets received in the gateway 300 is that of the destination computer, not that of the gateway 300. In other words, the gateway 300 receives data **by interception, not redirection** as required by claim 10. The examiner points to col. 6, lines 57-65 of Templin, which states, "In this case, the packet is diverted to one of the proxy servers 340." Not all packets received by the gateway are sent to the proxy servers 340. Only certain packets are diverted (i.e. redirected) to the proxy servers 340 (i.e. interception node). Therefore the applicant is incorrect, and Templin teaches redirection as required by claim 10.
3. The applicant furthermore argued that *the combination of Templin and Schneider does not teach or suggest processing a file being transferred between two peer nodes in a peer-to-peer data transfer*. And, as Schneider proves, conventional peer-to-peer data transfer does not involve processing of data in the middle of the peer-to-peer transfer. This is incorrect since Schneider states in ¶ 37, "The scanning operation allows, for example, Operator-X 104 and Operator-Y 106 to serve as **intermediaries**

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between terminals 108, 110, and 112, such that content found to be infected by a virus may be quarantined within terminals 108, 110, and 112.” Emphasis added. It is clear that the processing of data takes in between the peer nodes. Furthermore, in ¶ 27, Schneider states, “In such an instance, the content is first forwarded to a network operator that is running an up-to-date virus scanner. The network operator, having a current contract with a virus scanning company to provide the latest virus definitions, is then able to perform the virus scan on the content prior to the consumer’s receipt.” This means that after the sender sends the data, the data is processed by an operator and sent to the receiver. Therefore the processing of data takes place in the middle of the peer-to-peer transfer. This process is further explained in ¶ 38, “If the content is found to be virus infected, the DRM agent of the sending terminal is informed and the content is deleted, cleaned, or otherwise contained. If the content is not found to be infected by a virus, it is forwarded to the DRM agent of the **receiving terminal**.” Emphasis added.

4. The applicant moreover argued that *there is no motivation to combine Templin and Schneider*. And, *it is respectfully submitted that outsourcing of virus scanning services in Schneider involves doing the scanning using another computer prior to the peer-to-peer data transfer between terminals*. As applied to Templin, this would result in *the data being processed for virus scanning before the data is even transferred from the computer 150 to the computer 160 by way of the gateway 300*. Therefore, it is *respectfully submitted that the proposed combination would result in a topology much different from that recited in claim 10*. Since it has been shown above that outsourcing of virus scanning services in Schneider does not involve doing the scanning using

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another computer prior to the peer-to-peer data transfer between terminals, this would not result in a topology much different from that recited in claim 10 and the combination is proper.

5. The applicant also stated that *as is explicit from the cited portion of Templin, the packets received by the gateway contain the source address of the trusted computer and, more importantly, the destination address of the untrusted computer. That is, the packets are not redirected to the gateway by informing the trusted computer that the address of the untrusted computer is that of the gateway, as would be required to read on claim 14.* Citing col. 3, lines 21-31, “The proxy server extracts the payload from the packet, and generates a new packet having a **source address of the gateway**, the destination address of the untrusted computer, and the payload.” Emphasis added. Since an untrusted computer serves as the second node and a proxy server serves as the interception node, Templin clearly teaches claim 14.

6. Moreover, the applicant argued that *it is respectfully the cited sections of Morris do not relate to identifying nodes involved in a data transfer as required by claim 15. The cited portions of Morris merely disclose identification of peer nodes that maintain and provide metadata.* In col. 8, Morris states, “After finishing constructing all the peer node locators with the embedded query in step 218, the peer server 14 provides the peer node locators to the waiting process of step 212.” Therefore Morris teaches both data and metadata transfers.

7. The examiner points out that the pending claims must be “given the broadest reasonable interpretation consistent with the specification” [In re Prater, 162 USPQ 541

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(CCPA 1969)] and “consistent with the interpretation that those skilled in the art would reach” [In re Cortright, 49 USPQ2d 1464 (Fed. Cir. 1999)]. In conclusion, upon taking the broadest reasonable interpretation of the claims, the cited references teach all of the claimed limitations. And the rejections are reaffirmed. See below.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 10-14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Templin et al. (5,781,550) and Schneider (2004/0158741).

10. As per claim 10, Templin et al. teaches a method comprising: redirecting the file from a first node to an interception node, the file being originally intended to be transferred directly from the first node to a second node (see Templin et al., col. 5, lines 9-24); processing the file in the interception node (see Templin et al., col. 3, lines 21-31); and transferring the file from the interception node to the second node (see Templin et al., col. 8, lines 38-47). But fails to teach a method of transferring a file in a peer-to-peer computer network, the first peer node and the second peer node being computers in the peer-to-peer computer network. However, Schneider teaches a method of transferring a file in a peer-to-peer computer network, the first peer node and the second peer node being computers in the peer-to-peer computer network (see Schneider, ¶ 37). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Templin et al. to a method of transferring a file in a

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peer-to-peer computer network, the first peer node and the second peer node being computers in the peer-to-peer computer network in order to control communication of content between user terminals, and more particularly control the proliferation of virus infected content by outsourcing virus scanning services (see Schneider, ¶ 1).

11. As per claims 11-14, the above-mentioned motivation of claim 10 applies fully in order to combine Templin et al. and Schneider.

12. As per claim 11, Templin et al. and Schneider teach a method wherein the peer-to-peer computer network includes the Internet (see Templin et al., col. 3, line 65-col. 4, line 9).

13. As per claim 12, Templin et al. teaches an interception node (see Templin et al., col. 5, lines 9-24) and Schneider teach a method wherein processing the file in the node comprises scanning the file for viruses (see Schneider, ¶ 37).

14. As per claim 13, Templin et al. and Schneider teach a method wherein processing the file in the interception node comprises filtering a content of the file (see Templin et al., col. 2, lines 22-29).

15. As per claim 14, Schneider teaches peer-to-peer data transfer (see Schneider, ¶ 27) and Templin et al. teaches a method wherein redirecting the file comprises: informing the second node that an address of the first node is that of the interception node (see Templin et al., col. 3, lines 21-31).

16. As per claim 22, Templin et al. teaches, a method comprising: transferring the file from a first node to an interception node, the file being originally intended to be transferred directly from the first node to a second node (see Templin et al., col. 5, lines

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9-24), and transferring the file from the interception node to the second node (see Templin et al., col. 8, lines 38-47). But fails to teach a method of transferring a file in a peer-to-peer computer network, the first peer node and the second peer node being computers in the peer-to-peer computer network; scanning the file for viruses in the interception node. However Schneider teaches a method of transferring a file in a peer-to-peer computer network, the first peer node and the second peer node being computers in the peer-to-peer computer network; scanning the file for viruses in the interception node (see Schneider, ¶ 37). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Templin et al. to a method of transferring a file in a peer-to-peer computer network, the first peer node and the second peer node being computers in the peer-to-peer computer network; scanning the file for viruses in the interception node in order to control communication of content between user terminals, and more particularly control the proliferation of virus infected content by outsourcing virus scanning services (see Schneider, ¶ 1).

17. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Templin et al. and Schneider as applied to claim 10 above, and further in view of Morris et al. (6,629,100). Templin et al. and Schneider teach the mentioned limitations of claim 10 above and furthermore Templin et al. teaches transferring the file from the interception node to the second node (see Templin et al., col. 8, lines 38-47) but fail to teach querying a P2P server for location information of peer nodes involved in a transfer of the file; based on a response from the P2P server, identifying the second peer node as a

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node involved in the transfer of the file from the first peer node. However, Morris et al. teaches querying a P2P server for location information of peer nodes involved in a transfer of the file (see Morris et al., col. 8, lines 1-9); based on a response from the P2P server, identifying the second peer node as a node involved in the transfer of the file from the first peer node (see Morris et al., col. 8, lines 10-21). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Templin et al. and Schneider to querying a P2P server for location information of peer nodes involved in a transfer of the file; based on a response from the P2P server, identifying the second peer node as a node involved in the transfer of the file from the first peer node in order to allow users and groups to share images and restrict access to the images and metadata (see Morris et al., col. 1, line 64-col. 2, line 4).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER